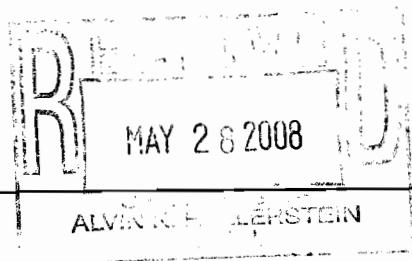
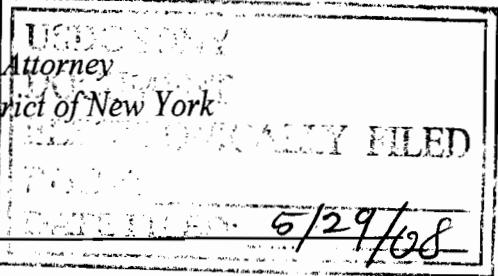


U.S. Department of Justice



United States Attorney
Southern District of New York



86 Chambers Street
New York, New York 10007

May 27, 2008

By Hand

Hon. Alvin K. Hellerstein
United States District Judge
United States Courthouse
500 Pearl Street, Room 1050
New York, New York 10007

*To answer
5-28-08
AKH/HLL/C*

Re: Candida Berrora Figueroa v. Astrue
08 Civ. 2812 (AKH)

Dear Judge Hellerstein:

This Office represents the Commissioner of Social Security, defendant in the above-captioned action. We write respectfully to request extensions of defendant's time to answer or move with respect to the complaint and of the Court's briefing schedule.

This Office was served with a copy of the complaint on April 3, 2008. Pursuant to the Federal Rules of Civil Procedure, an officer of the United States, served in his official capacity, has 60 days from service of the complaint to answer, which in this case would have been June 2, 2008. By order dated April 29, 2008, the Court ordered that all motions were due by May 27, 2008, opposition papers were due by June 24, 2008, and reply papers were due by July 20, 2008. To date, however, this Office has not received the administrative record in this case, a copy of which is needed to review the merits of plaintiff's claim and to answer the complaint. 42 U.S.C. § 405(g). In view of the foregoing, we respectfully request that defendant's time to answer or otherwise move with respect to the complaint be extended to July 11, 2008. In addition, we respectfully request that the briefing schedule be amended as follows to reflect the proposed adjournment of defendant's time to answer:

- (1) Moving papers shall be submitted by August 12, 2008;
- (2) Opposition papers shall be submitted by September 9, 2008;
- (3) Reply papers shall be submitted by September 23, 2008.

Plaintiff has consented to this request. No previous extensions have been requested.

Thank you for your consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:



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Assistant United States Attorney
Telephone: (212) 637-2712
Fax: (212) 637-2750

cc: Candida Berrora Figueroa
(By Mail)